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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

TIFFANY YIP, et al.,  
  
Plaintiffs,  
  
vs.  
  
BANK OF AMERICA, N.A.,  
  
Defendant.

Case No. 2:21-cv-01254-ART-EJY

Consolidated with:  
2:21-cv-02149-APG-BNW

**JOINT STIPULATION TO FILE  
AMENDED MOTION TO DISMISS  
THIRD AMENDED CONSOLIDATED  
COMPLAINT AND AMEND THE  
BRIEFING SCHEDULE**

A.M. HAMILTON, et al.  
  
Plaintiffs,  
  
vs.  
  
BANK OF AMERICA, N.A.,  
  
Defendant.

Case No. 2:22-cv-00374-ART-EJY

1 Plaintiffs Bob McClelland, Jr., et al. (“Plaintiffs”) and Bank of America, N.A. (“BANA,”  
 2 jointly Plaintiffs, the “Parties”), by and through their respective counsel, hereby submit this  
 3 stipulation regarding BANA’s Partial to Dismiss the Third Amended Consolidated Complaint  
 4 (“Motion to Dismiss”).

5 **The Parties’ Present Briefing Schedule**

6 WHEREAS, on August 9, 2024, the Court granted in part and denied in part BANA’s  
 7 Motion to Dismiss the First Amended Complaint and ordered that Plaintiffs’ Second Amended  
 8 Consolidated Complaint (“SACC”) would be due by September 9, 2024, at ECF No. 60.

9 WHEREAS, on November 20, 2024, pursuant to a stipulation by the Parties, the Court  
 10 ordered that Plaintiffs’ SACC would be due no later than January 3, 2025. *See* ECF Nos. 88, 89.

11 WHEREAS, on December 27, 2024, Plaintiffs filed their SACC, at ECF No. 91.

12 WHEREAS, on February 21, 2025, pursuant to a stipulation by the Parties, the Court  
 13 ordered that BANA’s Motion would be due on April 28, 2025, Plaintiffs’ Opposition to the  
 14 Motion would be due on June 13, 2025, and BANA’s Reply in support of its Motion would be  
 15 due on July 11, 2025. *See* ECF Nos. 97, 98.

16 WHEREAS, on April 18, 2025, Plaintiffs moved for leave to file the Third Amended  
 17 Complaint (“TACC”). *See* ECF No. 105.

18 WHEREAS, on April 24, 2025, pursuant to a stipulation by the Parties, the Court ordered  
 19 that Plaintiffs’ TACC would be due no later than three business days from the Court’s order,  
 20 BANA’s Motion would be due on May 9, 2025, Plaintiffs’ Opposition to the Motion would be  
 21 due on June 13, 2025, and BANA’s Reply in support of the Motion would be due on July 11,  
 22 2025. *See* ECF Nos. 106, 108.

23 WHEREAS, on April 28, 2025, Plaintiffs filed their TACC, at ECF No. 109.

24 WHEREAS, on May 9, 2025, counsel for BANA experienced various technological  
 25 difficulties that affected its Partial Motion to Dismiss the TACC, which was filed at ECF No. 118,  
 26 and the Corrected Partial Motion to Dismiss the TACC, at ECF No. 119.

27 WHEREAS, Plaintiffs would like additional time to respond to the Motion to Dismiss.  
 28

WHEREAS, it has come to BANA's attention that the Corrected Motion to Dismiss needs to be amended to accurately reflect the counts as to which Plaintiffs it is seeking to dismiss for which theories. *See* ECF Nos. 115, 119.

WHEREAS, BANA has agreed to file an Amended Partial Motion to Dismiss by May 15, 2025.

**Good Cause Exists to Modify the Schedule.**

WHEREAS, in the interests of efficiency and judicial economy, the Parties agree that the Amended Motion should be filed by May 15, 2025; that Plaintiffs' Opposition to the Amended Motion shall be due on July 11, 2025; and that BANA's Reply in support of the Amended Motion shall be due on August 15, 2025.

Based on the foregoing, IT IS HEREBY STIPULATED THAT:

1. BANA shall file the Amended Motion by May 15, 2025.
2. Plaintiffs' Opposition to the Amended Motion shall be due on July 11, 2025; and
3. BANA's Reply in support of the Amended Motion shall be due on August 15, 2025.

Dated: May 15, 2025

Dated: May 15, 2025

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8 IT IS SO ORDERED.

9   
10 U.S. MAGISTRATE JUDGE  
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12 Date: May 16, 2025  
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